

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

James Bedford Alford,
Plaintiff,

v.

Commissioner of Social Security
Administration,
Defendant.

No. CV-24-00112-PHX-DWL (ASB)

ORDER

On January 17, 2024, Plaintiff, who is proceeding *pro se*, initiated this action by filing a complaint (Doc. 1) and an application to proceed *in forma pauperis* (Doc. 2).

On January 25, 2024, the Court referred this action to Magistrate Judge Bachus for all pretrial proceedings. (Doc. 7.)

On February 1, 2024, Judge Bachus issued a report and recommendation (“R&R”) concluding that the complaint should be dismissed for failure to state a claim, that Plaintiff should be granted leave to amend, and that the application to proceed should be denied as moot. (Doc. 8) The R&R further provided that “[t]he parties shall have 14 days from the date of service of a copy of this recommendation within which to file specific written objections with the Court. . . . Failure to timely file objections to the Magistrate Judge’s Report and Recommendation may result in the acceptance of the Report and Recommendation by the District Court without further review.” (*Id.* at 5.)

Here, no such objections have been filed and the time to object has expired. Although Plaintiff filed a stay request on February 12, 2024 (Doc. 10), which is addressed

1 in the paragraph below, that request does not contain any objections to the R&R’s analysis.
2 Thus, the Court accepts the Magistrate Judge’s recommendation. *See, e.g., Thomas v. Arn*,
3 474 U.S. 140, 149-50 (1985) (“It does not appear that Congress intended to require district
4 court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other
5 standard, when neither party objects to those findings.”); *Schmidt v. Johnstone*, 263 F.
6 Supp. 2d 1219, 1226 (D. Ariz. 2003) (“[N]o review is required of a magistrate judge’s
7 report and recommendation unless objections are filed.”). *See also United States v. Reyna-*
8 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the
9 magistrate judge’s findings and recommendations *de novo if objection is made*, but not
10 otherwise.”).

11 As for the stay request, Plaintiff seeks a “60 day, stay, of prosecution” because
12 “S.S.A. granted an appointment to apply for S.S.I. on Feb. 23, 2024.” (Doc. 10.) The
13 Court construes this request as an extension of time to file the amended complaint
14 authorized in the R&R and grants that request.

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1 Accordingly,

2 **IT IS ORDERED** that:

3 1. The R&R (Doc. 8) is **accepted**.

4 2. Plaintiff's extension request (Doc. 10) is **granted**.

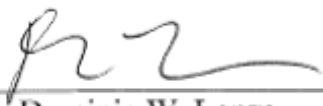
5 3. The complaint (Doc. 1) is **dismissed with leave to amend**.

6 4. The application to proceed in forma pauperis (Doc. 2) is **denied as moot**.

7 5. Plaintiff may, by April 22, 2024, file an amended complaint in an attempt to
8 cure the deficiencies identified in the R&R. If Plaintiff files an amended complaint,
9 Plaintiff must also pay the filing fee or file another application to proceed *in forma*
10 *pauperis*.

11 6. If Plaintiff does not, by April 22, 2024, file an amended complaint, the Clerk
12 shall enter judgment accordingly and terminate this action.

13 Dated this 21st day of February, 2024.

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18 Dominic W. Lanza
19 United States District Judge
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